

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FRESENIUS USA, INC., et al.,

Plaintiffs,

No. C 03-1431 PJH

v.

**ORDER**

BAXTER INTERNATIONAL, INC., et al.,

Defendants.

The court has reviewed the parties' submissions regarding Baxter's pending motion for decision on limited remand issues. The court has considered Baxter's argument that additional briefing or re-briefing is unnecessary, but is more persuaded by Fresenius' argument that rebriefing and a one-day evidentiary hearing would be of more assistance to the court.

Accordingly, the pending motion will be terminated by the court, and Baxter shall file another motion (or may re-file the original motion if it does not wish to file a new motion) no later than June 22, 2011. Fresenius' opposition shall be filed no later than July 6, 2011. Baxter's reply shall be filed no later than July 13, 2011. The court will conduct a one-day evidentiary hearing on Tuesday, August 2, 2011, starting at 9:00 a.m. In ruling on the motion, the court will consider only the evidence presented in the motion papers and at the hearing.

1 If these dates are not acceptable to the parties, the parties shall so advise the court.  
2 The next date available on the court's calendar for an evidentiary hearing will be Monday,  
3 December 12, 2011.

4 The motion at Docket No. 1048 is TERMINATED by this order.

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6 **IT IS SO ORDERED.**

7 Dated: June 3, 2011



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PHYLLIS J. HAMILTON  
United States District Judge